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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,700	01/19/2007	Lorrain Sausec	H0005023-2930	5398
46507 7590 07/31/2008 HONEYWELL TURBO TECHNOLOGIES 23326 HAWTHORNE BOULEVARD, SUITE #200 TORRANCE, CA 90505				
EXAMINER				
TRIEU, THAI BA				
ART UNIT		PAPER NUMBER		
3748				
MAIL DATE		DELIVERY MODE		
07/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,700

Applicant(s)

SAUSEE ET AL.

Examiner

Thai-Ba Trieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Priority

It is noted that this application appears to claim subject matter disclosed in prior Application **No. PCT/EP03/11851**, filed **on October 24, 2003**. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such

prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Information Disclosure Statement

The listing of references in the specification (See Page 1, lines 22-23) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

1. The informal drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **"31"** (See Figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character **"26"** has been used to designate both **"third side 26"** (See Page 8, line 31) and **"slanted sides 26, 26b"** (See Page 9, lines 1-2) or **"slanted side 26"** (See Page 9, line 26). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities: the following headings in the specification are missing: Background of the Invention, Summary of the Invention, Brief Description of the Drawings, etc.... Applicant is requested to insert heading to separate the various parts application.

Appropriate correction is required.

2. Applicant discloses "According to one aspect of the invention, the above object is achieved by a turbocharger having **features of claim 1 and 19**, respectively. Preferable embodiments of the turbocharger are set forth in the **subclaims**" (Page 2, lines 5-8); however, claim may be amended or cancelled during the prosecution of the instant application, and therefore, is not an appropriate characterization of the invention.

Claim Objections

Claims 9-18 are objected to under 37 CFR 1.75(c) as being in improper form because multiple dependent claims 9-18 *cannot* depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 9-18 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Egli (Patent Number 2,981,516), in view of either Bernardini et al. (Patent Number 6,694,733 B1) or Aguilar et al. (Patent Number 6,017,184).

Egli discloses a turbocharger having a center housing (13) and a thin-walled exhaust housing (40, 60), both housings being connected to each other at cylindrical end portions (Not Numbered) thereof by use of a floating flange ring (Not Numbered, See Figure 4) having a clamping surface (Surface of the outer edge 41) which exerts at least an axial force component (by tightening nut 44) for urging the end portion (Not Numbered) of the thin-walled housing (40, 60) against the end portion (Not Numbered) of the center housing (13),

characterized in that the end portion (Not Numbered) of the thin-walled housing (40, 60) is sandwiched between the floating flange ring (Not Numbered) and the flange portion (Not Numbered, a portion against the surface of the outer edge 41) of the center housing (13);

wherein said clamping surface (the surface of the outer edge 41) is slanted so as to exert a radial force component additionally to the axial force component;

wherein said clamping surface (the surface of the outer edge 41) is slanted such that said radial component is directed to the central axis of said housing portions.

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at least a screw (43) for applying said axial load and a boss (42) forming a part of said floating flange ring (Not Numbered);

wherein said floating flange ring (Not Numbered) is provided with at least three bosses (42), each receiving one of the screws (43); the bosses (42) projecting radially from the floating flange ring (Not Numbered),

wherein said bosses (42) receive said screws (43) in through holes and the screws (43) are tightened by means of nuts (44);

wherein said bosses (42) receive said screws (43) in blind holes (Not Numbered, a portion wherein the screw 43 going through) having inner threads; and

wherein said bosses (42) are positioned at regular intervals (See Figure 1 and 4, Column 2, lines 13-42, Column 3, lines 21-21-24).

However, Egli fails to disclose at least a counter part/ at least three washers form said counter part; and its function.

Bernardini/Aguilar teaches that it is conventional in the turbocharger art, to utilize at least a counter part (42 of Bernardini; 12 of Aguilar); means of said counter part (42 of Bernardini; 12 of Aguilar) exerting said axial force component upon applying an axial load to said clamping surface, and

and at least three washers (42 of Bernardini; 12 of Aguilar)) form said counter part (42 of Bernardini; 12 of Aguilar) (See Figure 1, Column 2, lines 52-54 of Bernardini; Figure 1, Column 2, lines 52-55 of Aguilar).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized at least a counter part/ at least three washers from said counter part; and its function, as taught by Bernardini/Aguilar, to secure the turbine housing to the center housing of the Egli turbocharger.

Note that the washers/washer clamps of Bernardini/Aguilar are arranged/positioned between the nuts 44 and the flange ring of the center housing of Egli, which provide an axial load exerting from the axial force component to the clamping surface (the surface of the outer edge 41) as being claimed.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
July 21, 2008

/Thai-Ba Trieu/
Primary Examiner
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